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6/18/2020 12:16 pm
For Online Publication Only
U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
JOVANNI G. WHYTE,

Plaintiff,

-against-

SUFFOLK COUNTY,

Defendant.

-----X
JOAN M. AZRACK, District Judge:

Pro se plaintiff Jovanni G. Whyte (“plaintiff”) filed an application, dated June 15, 2020, seeking to vacate this Court’s May 22, 2020 Order of Dismissal (D.E. 10) and to reopen his case. (See D.E. 12.) Given plaintiff’s payment of the Court’s filing fee, the application is granted insofar as it seeks the vacatur of the Order of Dismissal and Judgment entered thereon. The Clerk of the Court is ordered to reopen this case.

In addition, plaintiff’s time to serve the complaint is hereby extended through **September 4, 2020**. Accordingly, if service is not made upon the defendant by **September 4, 2020**, or plaintiff fails to show good cause why such service has not been effected, the complaint will be dismissed without prejudice. **Plaintiff is to provide a copy of this Order to the defendant along with the summons and complaint, and shall file proof of service with the Court.**

Plaintiff is required to advise the Clerk of Court of any changes of address. Failure to

keep the Court informed of plaintiff's current address may result in dismissal of the case.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

The Clerk of Court shall mail a copy of this Order to the plaintiff at his last known address.

SO ORDERED.

_____/s/ (JMA)_____
Joan M. Azrack
United States District Judge

Dated: June 18, 2020
Central Islip, New York